

RESOLUTION NO. 98-3

Boone County Solid Waste Management District

This resolution supersedes Resolution 95-1A concerning the permitting of solid waste facilities and clean fill sites within the Boone County Solid Waste Management District.

WHEREAS, the Boone County Solid Waste Management District having previously adopted Resolutions 95-1 and 95-1A, which regulate the permitting of solid waste facilities and clean fill sites within the District, pursuant to the Solid Waste Management Plan adopted by the District and certain ordinances of Boone County, Indiana; and

WHEREAS, the Boone County Solid Waste Management District, acting by and through its Board of Directors, desires to clarify and update the permitting requirements of the District;

NOW, THEREFORE, BE IT RESOLVED by the Boone County Solid Waste Management District as follows:

Rule 1. General Provisions

Section 1-1. Purpose

The purpose of this resolution is to prescribe certain requirements for the permitting and operation of solid waste facilities and clean fill sites within the Boone County Solid Waste Management District.

Section 1-2. Definitions

The definitions set forth in Resolution No. 98-2 of the District are incorporated in this section by reference and apply to all provisions of this Resolution unless specifically stated otherwise.

Section 1-3. Applicability

This resolution applies to the permitting of:

- (1) land disposal facilities for construction/demolition waste;
- (2) solid waste processing facilities; and
- (3) clean fill sites;

located or proposed to be located within the District.

Section 1-4. Severability

Each section, subsection, sentence, clause, and phrase of this Resolution is declared to be an independent provision and a judicial finding or holding that any such provision of this Resolution is unconstitutional, void, or ineffectual for any cause or reason shall not affect the validity of any other provision of this Resolution.

Rule 2. Permit Requirements

Section 2-1. Permit Requirement

The owner of a solid waste facility or clean fill site must obtain a permit from the District prior to the construction or operation of such a facility or fill site.

Section 2-2. General Application Procedures for Proposed Facilities

(a) The owner of a solid waste facility or clean fill site is responsible for applying for and obtaining a permit. The owner of the land upon which the facility or fill site is located also shall sign the application form.

(b) A completed application for a permit for a solid waste facility or a clean fill site shall be submitted in triplicate to the office of the District by mail or in person. One copy will be retained at the District's office and made available for public review; one copy will be placed with the Boone County Health Department for public review; and one copy will be placed with the Boone County Area Plan Commission for public review.

(c) A completed permit application must be submitted to the District at least sixty (60) days in advance of the regularly scheduled meeting of the District Board at which the applicant wishes the application to be considered. Regular meeting dates of the District Board are the second Wednesday of the months of January, March, May, July, September, and November. The Board may, at its discretion, waive the sixty-day advance submittal period and take action on the application within a shorter time. Conversely, the District Board may, for good reason, postpone action on an application beyond the sixty-day advance submittal period.

(d) If, after a permit application is submitted but prior to issuance of a permit, there is any change that causes any information in the application to be incorrect or the applicant discovers the application to be incomplete, the applicant shall promptly notify the Administrator of such circumstance and shall submit corrected information to the Administrator promptly. Such corrected application information shall be submitted no later than thirty (30) days in advance of the first meeting of the District Board at which action may be taken on the application, although a shorter period of advance notice may be allowed by the Board where the inaccuracies or omissions in the application are not deemed by the Board to be material to a permit decision.

(e) An application must include proper signatures and a certification as specified in section 2-7 of this rule.

Section 2-3. Application Information for Proposed Construction/Demolition Sites

(a) A complete application for a permit for a proposed construction/demolition site must contain the following information:

- (1) Name, address, and telephone number of the applicant;
- (2) Name, address, and telephone number of the property owner;
- (3) Street address and/or road location of the facility;
- (4) Legal description and tax parcel number for the facility;
- (5) The names and addresses of the current owners of all real property parcels that immediately adjoin the real property on which the facility is proposed to be located, as determined from the records of the Auditor of Boone County, Indiana.
- (6) Description of the type of operation, including the detailed descriptive narrative as specified by subsection (b) of this section;
- (7) Planned life of the facility;
- (8) Expected volume of waste material to be received per day (in tons or cubic yards);
- (9) A copy of the detailed plans and design specifications as required by 329 IAC 10-32;
- (10) A copy of the closure and post-closure plans as required by 329 IAC 10-37 and 329 IAC 10-38;
- (11) Documents necessary to demonstrate fee simple ownership of or other interests in, including an option to purchase, the real property upon which the facility to be permitted is located. Such documents shall include either a recorded copy of the deed to the subject real property, showing ownership in fee simple in the person identified as the property owner in the application or such documents which demonstrate that the person identified as the property owner in the application has a clear right, subject to reasonable conditions, to receive fee simple title to the real property prior to commencement of construction of the proposed facility;
- (12) Verification of proper zoning status;

- (13) A USGS topographic quadrangle map seven and one-half minute, or equivalent, showing the site of the facility with property boundaries and proposed solid waste boundaries clearly delineated; and
 - (14) A complete list of all citations, notices, consensual orders, and judgments received by, or issued to, the applicant from governmental agencies, bodies or officers within the five-year period immediately preceding the date of the application which indicate that the applicant has violated a statute, rule, regulation, ordinance or resolution pertaining to zoning or environmental protection.
- (b) Applications for a proposed construction/demolition site must include a narrative description of the facility which contains the following information:
- (1) Anticipated quantity, types, and sources of solid waste to be deposited;
 - (2) The equipment to be used for placement and compaction of all solid waste, excavation of soil, moving of stockpiled soil, and application of cover soil;
 - (3) Procedures to control fugitive dust;
 - (4) Sanitary facilities if employees are to be at the site full-time;
 - (5) A description of any wells within six hundred (600) feet of the proposed fill area;
 - (6) A description of the access control to be employed at the site;
 - (7) A description of the safety equipment to be used at the site;
 - (8) The distance from the site to the nearest dwelling;
 - (9) A description of the location, amount, and depth of excavation that will occur at the site;
 - (10) A description of the supervision that will be provided at the site;
 - (11) A description of the base flood at the site and whether the site is in a floodway; and
 - (12) Proposed hours of operation.

Section 2-4. Application Information for Proposed Clean Fill Disposal Sites

- (a) A complete application for a permit for a proposed clean fill disposal site must contain the following information:

- (1) Name, address, and telephone number of the applicant;
- (2) Name, address, and telephone number of the property owner;
- (3) Street address and/or road location of the facility;
- (4) Legal description and tax parcel number for the facility;
- (5) The names and addresses of the current owners of all real property parcels that immediately adjoin the real property on which the facility is proposed to be located, as determined from the records of the Auditor of Boone County, Indiana.
- (6) Description of the type of operation;
- (7) Planned life of the facility;
- (8) Expected volume of fill material to be received per day (in tons or cubic yards);
- (9) USGS topographic quadrangle map or equivalent showing the site of the facility;
- (10) Verification of proper zoning status;
- (11) A plot plan, drawn to scale, that depicts the operation, identifies property boundaries and setbacks, shows filling sequences and any other key operational features; and
- (12) A complete list of all citations, notices, consensual orders, and judgments received by, or issued to, the applicant from governmental agencies, bodies or officers within the five-year period immediately preceding the date of the application which indicate that the applicant has violated a statute, rule, regulation, ordinance or resolution pertaining to zoning or environmental protection.

Section 2-5. Application Information for Proposed Solid Waste Processing Facilities and Clean Fill Processing Sites

(a) This section applies to applications for proposed solid waste processing facilities and clean fill processing sites.

(b) A complete application for a permit for a proposed solid waste processing facility or clean fill processing site must contain the following information:

- (1) Name, address, and telephone number of the applicant;
- (2) Name, address, and telephone number of the property owner;

- (3) Street address and/or road location of the facility;
- (4) Legal description and tax parcel number for the facility;
- (5) The names and addresses of the current owners of all real property parcels that immediately adjoin the real property on which the facility is proposed to be located, as determined from the records of the Auditor of Boone County, Indiana.
- (6) Description of the type of operation, including the detailed descriptive narrative as specified by subsection (c) of this section;
- (7) Planned life of the facility;
- (8) Expected volume of waste material to be received per day (in tons or cubic yards);
- (9) A copy of the detailed plans and design specifications as required by 329 IAC 11-9 and 329 IAC 11-17;
- (10) A copy of the closure and post-closure plans as required by section 10-2 of this resolution;
- (11) Documents necessary to demonstrate fee simple ownership of or other interests in, including an option to purchase, the real property upon which the facility to be permitted is located. Such documents shall include either a recorded copy of the deed to the subject real property, showing ownership in fee simple in the person identified as the property owner in the application or such documents which demonstrate that the person identified as the property owner in the application has a clear right, subject to reasonable conditions, to receive fee simple title to the real property prior to commencement of construction of the proposed facility;
- (12) Verification of proper zoning status;
- (13) A USGS topographic quadrangle map seven and one-half minute, or equivalent, showing the site of the facility with property boundaries and proposed solid waste boundaries clearly delineated; and
- (14) A complete list of all citations, notices, consensual orders, and judgments received by, or issued to, the applicant from governmental agencies, bodies or officers within the five-year period immediately preceding the date of the application which indicate that the applicant has violated a statute, rule, regulation, ordinance or resolution pertaining to zoning or environmental protection.

- (5) Names and locations of solid waste land disposal facilities or clean fill disposal sites anticipated to receive waste and residue from a proposed solid waste processing facility or clean fill from a clean fill processing site, respectively.
- (6) A contingency plan outlining the method or methods of waste disposal to be implemented if the facility is unable to operate or process solid waste in accordance with the approved operating plan for more than twenty-four (24) continuous hours. Include design capacity of waste storage areas and normal percent of capacity used during routine operations. Specify the maximum inventory of wastes in storage or treatment that will occur at any time during the life of the facility.
- (7) Procedures for controlling dust, noise, odors, fire, explosions, vectors, litter, and handling of bulky waste or other materials unsuitable for the proposed process.
- (8) Daily cleanup procedures for solid waste storage, processing, loading, and unloading areas. Weekly cleanup procedures shall be described for clean fill storage, processing, loading or unloading areas at clean fill processing sites.
- (9) Sanitary toilet facilities for employees.
- (10) Proposed operating hours for the facility.

Section 2-6. Renewal Permit Application Requirements

- (a) Renewal applications must be submitted at least one hundred twenty (120) days prior to the expiration date of the existing permit.
- (b) A complete application for renewal of a solid waste facility permit or a clean fill site permit must consist of the following information, submitted on forms provided by the District:
 - (1) The name and address of the applicant.
 - (2) The name and address of the property owner or owners.
 - (3) The name, address, and location of the facility.
 - (4) The existing permit number of the facility.
 - (5) The legal description of the facility location.
 - (6) The names and addresses of the current owners of all real property parcels that are immediately adjacent to the real property on which the facility is proposed to be located, as determined from the records of the Auditor of Boone County, Indiana.
 - (7) Facility information, including the following:

- (A) A description of the type of operation.
 - (B) The volume of waste or clean fill material received at the facility in cubic yards per day or tons per day.
 - (C) The type of waste or clean fill material received at the site.
- (8) Signatures and certification statements in compliance with section 2-7 of this rule.
 - (9) A complete list of all citations, notices, consensual orders, and judgments received by, or issued to, the applicant from governmental agencies, bodies or officers within the five-year period immediately preceding the date of the application which indicate that the applicant has violated a statute, rule, regulation, ordinance or resolution pertaining to zoning or environmental protection.

Section 2-7. Signatories to Permit Applications and Reports

- (a) All permit applications must be signed as follows:
 - (1) For a corporation, by a responsible corporate officer.
 - (2) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively.
 - (3) For a municipality or a state agency, by the executive of the unit.
 - (4) For a federal or other public agency, by either a principal executive officer or ranking elected official or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency that covers the facility to be permitted.
- (b) All reports required by permits and other information requested by or on behalf of the District must be signed by the permittee, or by a duly authorized representative of that person.
- (c) Any person signing a document under subsection (a) or (b) shall make the certification, "I certify that this document and all attachments were prepared under my direction or supervision. Based on my inquiry of the persons who were directly responsible for gathering the information, the information submitted is, to the best of my knowledge, true, accurate, and complete. I further certify that I am authorized to submit this information."

Rule 3. Locational Criteria for Solid Waste Facilities and Clean Fill Sites

Section 3-1. Locational Criteria for Construction/Demolition Sites

Commencing with the effective date of this resolution, any pending or new application for a proposed construction/demolition site or for a proposed vertical or horizontal expansion of a previously approved construction/demolition site must comply with the locational criteria of 329 IAC 10-33.

Section 3-2. Additional Locational Criteria for All Solid Waste Facilities and Clean Fill Sites

Commencing with the effective date of this resolution, any pending or new application for a proposed solid waste facility or a clean fill site or for a proposed vertical or horizontal expansion of a previously approved solid waste facility or clean fill site must show that the proposed facility or site is not located within one (1) mile of the incorporated limits of a municipality located within the District unless the executive body of such municipality has given written permission for location of the proposed facility or site less than (1) mile from the incorporated limits of the municipality.

Rule 4. Design Standards for Solid Waste Facilities and Clean Fill Sites

Section 4-1. Design Standards for Construction/Demolition Sites

(a) Commencing with the effective date of this resolution, any pending or new application for a proposed construction/demolition site or for a proposed vertical or horizontal expansion of a previously approved construction/demolition site must comply with the design standards of this section.

(b) Any new site or any new vertical or horizontal expansion of a previously approved site must provide a barrier between the solid waste and an aquifer which meets the following criteria:

(1) The barrier shall consist of soil, whether undisturbed, constructed, or a combination thereof, with an equivalent hydraulic conductivity through the barrier of no more than one one-millionth ($1/1,000,000$) centimeters per second; and

(2) The barrier must have a minimum thickness of three (3) feet between the solid waste and any locally useful aquifer.

(c) Variations from the barrier thickness specified in subsection (b) may be approved by the Board if the revised thickness is approved by the Indiana Department of Environmental Management in a permit issued by that agency for the proposed site or site expansion.

Section 4-2. Design Standards for Solid Waste Processing Facilities

(a) Commencing with the effective date of this resolution, any pending or new application for a proposed solid waste processing facility or for a proposed expansion of a previously approved solid waste processing facility must comply with the design standards of this section.

(b) Any new facility or any new expansion of a previously approved facility must be designed in such a way that it will be capable of complying with the operational requirements established for such facility in this resolution.

Rule 5. Action on Permit Applications

Section 5-1. Procedures for Review of Permit Applications

(a) The procedures prescribed by this section apply to permit applications for all facilities subject to this Resolution except for temporary clean fill sites, which are addressed separately in subsection (g) of this section.

(b) The Administrator will review an application for completeness. If an application is determined to be complete, the Administrator will proceed with the subsequent steps described in this section. If the application is determined to be materially incomplete, the Administrator will inform the applicant of that determination and offer an opportunity to supplement the application within a reasonable time specified by the Administrator. If the deficiencies in the application are not remedied by the applicant, the Administrator shall return the application to the applicant and will terminate processing of the application on behalf of the District.

(c) If the Administrator preliminarily determines that a permit application meets the requirements of this Resolution, the Administrator will prepare a draft permit for the facility which is the subject of the application. If the Administrator makes a preliminary determination that a permit application does not meet the requirements of this Resolution, the Administrator will prepare a draft denial determination on the application.

(d) Upon making a preliminary determination on a permit application, the Administrator shall schedule a public hearing on the application to be conducted by the District Board. The purpose of the hearing is to receive comments from the public regarding the facility and its associated operations that are proposed in the application. Typically, the public hearing will be scheduled immediately prior to a regular or special meeting of the Board. The Board may consider action on the permit application at a Board meeting immediately following the public hearing.

(e) Notice of the public hearing on a permit application shall be published in one or more newspapers of general circulation within Boone County. Notice shall be mailed to owners of real properties that immediately adjoin the property on which the facility is proposed to be, or is, located, as identified by the permit applicant. Publication of the notice and mailing of the notice to adjoining property owners shall occur at least ten (10) days prior to the date of the public hearing.

(f) The District Board shall make a final determination on the permit application following the public hearing specified by subsection (d), above. The decision of the Board shall be consistent with the criteria established in Section 5-2 or Section 5-3, as applicable, of this Resolution. The Board's final decision on a permit application shall be issued in accordance with Section 5-4 of this Resolution.

(g) With respect to applications for temporary clean fill sites, the Administrator will review such applications and prepare a draft permit determination as for other types of facilities under subsections (b) and (c) of this section. A determination on the permit application may be made by the president of the District Board without a public hearing or action by the full Board as required for other types of facilities under this section. Upon issuance of a decision on such a permit application, notice of the decision will be given as prescribed by Section 5-4.

Section 5-2. Criteria for Permit Determinations for Proposed Facilities

(a) In reviewing a permit application for a proposed solid waste facility or clean fill site, the District Board shall determine whether:

- (1) the permit application satisfies the informational requirements of this Resolution;
- (2) the proposed facility, if constructed and operated as described in the application, will comply with the requirements of this Resolution;
- (3) the proposed facility is consistent with, and will further the purposes and goals of, the District's Solid Waste Management Plan; and
- (4) the applicant has had no violations of applicable statutes, rules, regulations, ordinances or resolutions pertaining to zoning or environmental protection during the five-year period immediately preceding the date of submittal of the permit application that have resulted in the imposition of a fine or civil penalty of more than \$10,000.

(b) If the Board determines that the permit application satisfies the criteria set forth in subsection (a) of this section, then the Board shall grant the requested permit to the applicant. The Board may impose such conditions in the permit as may be reasonably determined to be necessary to assure compliance with the requirements of this Resolution.

(c) If the Board determines that the permit application fails to satisfy the criteria set forth in subsection (a) of this section, then either the Board shall deny the requested permit or, if it reasonably appears to the Board that the defects in the application can be corrected within thirty (30) days, the Board may table action on the application to allow the applicant opportunity to submit a corrected application.

Section 5-3. Criteria for Renewal Permit Determinations

(a) In reviewing an application for renewal of a permit for a solid waste facility or clean fill site, the District Board shall determine whether:

- (1) the permit application satisfies the informational requirements of this Resolution;
- (2) the facility has been constructed in accordance with the plans and specifications as submitted and approved in conjunction its existing permit;
- (3) based on the foregoing factors and a review of the facility's compliance history under the operational requirements of this Resolution and any prior or existing permit conditions, the facility will be in compliance with the requirements of this Resolution; and
- (4) the facility's continued operation is consistent with, and will further the purposes and goals of, the District's Solid Waste Management Plan.

(b) If the Board determines that the permit application satisfies the criteria set forth in subsection (a) of this section, then the Board shall grant the requested permit to the applicant. The Board may impose such conditions in the permit as may be reasonably determined to be necessary to assure compliance with the requirements of this Resolution.

(c) If the Board determines that the permit application fails to satisfy the criteria set forth in subsection (a) of this section, then the Board shall deny the application for the requested permit.

Section 5-4. Procedures for Issuance of Permit Decisions

When a final decision is made by the Board on a permit application, the Administrator shall promptly issue the decision on behalf of the Board to the applicant. The Administrator shall, contemporaneously with the issuance of the decision, mail a written notice of the decision to the owners of properties immediately adjacent to the proposed or existing facility and cause a notice of the decision to be published, within fifteen (15) days of issuance of the decision, in one or more newspapers of general circulation within Boone County, Indiana.

Section 5-5. Duration of permits

A permit, including a renewal permit, must be issued for a fixed term not to exceed five (5) years.

Section 5-6. Effect of Permit Issuance

The issuance of a permit by the District Board does not:

- (1) convey any property rights of any sort or any exclusive privileges;

- (2) authorize any injury to persons or private property or invasion of other private rights or any infringement of federal, state, or local laws or regulations; or
- (3) preempt any duty to comply with other state or local requirements.

Section 5-7. Transferability of Permits

(a) A permit may be transferred to another person by the permittee, without the need for a new permit or modification or revocation of the existing permit, if:

- (1) the permittee notifies the Administrator of the proposed transfer at least sixty (60) days before the proposed date of transfer on forms provided by the District;
- (2) a written agreement between the existing permittee and the prospective transferee containing a specific date of transfer of permit responsibility is submitted to the Administrator;
- (3) the prospective transferee submits to the Administrator a record of all citations and notices received by such transferee from governmental agencies, bodies or officers over the five-year period immediately preceding the proposed date of transfer which indicate violations of statutes, rules, regulations and ordinances, and such record demonstrates that the prospective transferee has had no material violations of applicable statutes, rules, regulations and ordinances during such period; and
- (4) the prospective transferee provides proof that he or she is, or will be, the owner of the facility.

(b) The transfer will be effective on the specific date of transfer provided by the written agreement unless the Administrator notifies the permittee and the transferee prior to such date that the proposed transfer has been denied by the Board.

Section 5-8. Permit Revocation and Modification

- (a) The Board may revoke a permit issued under this Resolution for cause if:
 - (1) The permittee has materially violated the requirements of the permit; or
 - (2) The permittee has made material misrepresentations in the application submitted to the District for purposes of obtaining the permit.

(b) To request a change in a facility or its operation, the permittee may request that the District Board modify the permit. The permittee shall submit the requested modification and rationale for such modification. If the Board determines that the requested modification is consistent with the criteria and requirements of this Resolution, the Board shall grant the modification. Only the conditions subject to modification are reopened. The Administrator shall give notice of the determination on the modification in accordance with Section 5-4, above.

(c) The Administrator may amend a permit to correct clerical errors or to make other non-substantive changes to a permit without Board action. Public notice of such a permit amendment is not required.

Rule 6. Pre-operational Approval

Section 6-1. Prerequisite to Commencement of Operation

A newly constructed solid waste facility or clean fill site that holds a valid permit under this Resolution shall not commence operations or accept any solid waste or fill material until it has complied with the applicable preoperational requirements of this rule.

Section 6-2. Pre-operational Requirements for Construction/Demolition Sites

Before commencing operation, owners or operators of a construction/demolition site must complete the following:

- (1) Establish a series of identifiable boundary markers that will delineate the approved facility boundaries and solid waste boundaries for the life of the facility.
- (2) Complete initial site development and construction in accordance with the initial facility development plan required in 329 IAC 10-32 and complete other pre-operational conditions of the facility permit.
- (3) Establish permanent, on-site benchmark or benchmarks with vertical, mean sea level elevation, and horizontal control so that no portion of the proposed fill area is further than 1,000 feet from a benchmark (unless a greater distance is necessary to avoid placement of benchmarks on filled areas).

Section 6-3. Pre-operational Requirements for Solid Waste Processing Facilities

(a) Before beginning operation, a solid waste processing facility must complete the initial facility development outlined in the permitted plans and specifications. Initial facility development includes:

- (1) construction of buildings or structures and on-site roads;
- (2) installation of equipment for storage, processing, and handling of solid waste; and
- (3) installation of access control, sanitary facilities, signs, communication devices, and utilities.

(b) In addition to the requirements of subsection (a), the owner or operator of a solid waste incinerator shall comply with the pre-operational requirements of 329 IAC 11-18 prior to commencing operation.

Rule 7. Construction/Demolition Sites; Operational Requirements

Section 7-1. Applicability

The requirements of this Rule apply to all construction/demolition sites which hold a valid permit from the District.

Section 7-2. Access control

(a) A construction/demolition site must be accessible by means of established roadways only.

(b) Solid waste must be deposited at the solid waste land disposal facility only when operating personnel are on duty. Properly covered containers may be placed outside the facility entrance so that solid waste may be deposited after hours.

Section 7-3. On-site roads

(a) On-site roads that provide access to disposal areas must be passable to vehicles utilizing these areas.

(b) The owner or operator of a construction/demolition site shall construct and maintain on-site roads in such a way as to minimize the tracking of mud or soil material from the facility onto public highways or provide and maintain equipment to remove any such mud or soil material that is tracked onto the public highways.

Section 7-4. Signs

(a) For all construction/demolition sites, except facilities disposing of waste generated on-site, a sign of a least sixteen (16) square feet must be erected at each facility entrance. The sign must identify the following:

- (1) The facility name.
- (2) The operating schedule.
- (3) The type of facility.
- (4) The solid waste facility permit number.

(b) For construction/demolition sites, traffic signs or other devices, as needed, must be provided to promote an orderly traffic pattern to and from the discharge area.

Section 7-5. Sanitation

(a) Cattle, hogs, poultry, or other livestock are prohibited from any filled area that has not received final cover and vegetation.

(b) Vectors, dust, and odors must be controlled by effective means so that they do not constitute or contribute to a nuisance or a health hazard.

(c) Windblown materials and litter must be collected and buried daily. Windblown materials must be controlled by effective means so that they do not constitute or contribute to a nuisance.

(d) Disposal of dead animals must occur in accordance with IC 15-2.1-16.

(e) Containers that have been placed outside the facility entrances for the disposal of solid waste after hours must be emptied at a frequency that will minimize odors and control vectors, but in no event, less than once in every twenty-four (24) hours. Areas around the containers must be maintained in a sanitary and litter-free condition.

Section 7-6. Scavenging

Scavenging is prohibited.

Section 7-7. Salvaging

(a) Salvaging on-site at a construction/demolition site must be completed only under the supervision of the owner or operator and must not interfere with the facility operations.

(b) Salvaged materials must be stored in buildings or transportable containers while awaiting removal from the facility. Alternative methods of storing salvaged materials must have prior approval from the Administrator. Approval may be granted at the request of the owner or operator, if the owner or operator can demonstrate that the alternative method will provide a comparable level of environmental protection.

Section 7-8. Safety requirements

(a) Safety devices, including roll bars and fire extinguishers, must be provided on all rolling equipment.

(b) A first aid kit must be available on-site.

(c) A telephone or radio communication system must be provided on-site.

Section 7-9. Records and reports

(a) A construction/demolition site must maintain on-site an up-to-date copy of the plans and specifications approved by the Board in granting the permit.

(b) A construction/demolition site must maintain on-site a plot plan of the facility. The plot plan must be updated quarterly. The plot plan must describe the following:

- (1) Areas of excavation.
- (2) Areas of current filling.
- (3) Areas under intermediate cover.
- (4) Filled areas lacking final cover.
- (5) Finished areas with final cover contoured and seeded.

(c) The following must be furnished upon request and be made available during normal operating hours for inspection by any employee, or representative of the District:

- (1) All solid waste land disposal facility records, reports, and plans required by this Resolution.

Section 7-10. Open burning

Open burning of solid waste is prohibited at a construction/demolition site.

Section 7-11. Diversion of surface water

A construction/demolition site must not deposit solid waste in standing or ponded water except for that water resulting from precipitation directly upon the working face.

Section 7-12. Cover

(a) Cover for a construction/demolition site must be soil of Unified Soil Classification ML, CL, MH, CH, or OH or other suitable material approved by the Administrator to provide an adequate level of environmental protection.

(b) Cover must be applied and maintained at a construction/demolition site in accordance with the applicable requirements of this rule and 329 IAC 10-37. Other provisions for cover may be approved by the Administrator if it can be demonstrated that an alternate cover or site design will provide an adequate level of environmental protection.

(c) A construction/demolition site must apply no less than six (6) inches of cover weekly over all exposed solid waste regardless of weather conditions.

Section 7-13. Grading and soil stabilization

(a) Cover material applied as required in this rule and 329 IAC 10-37 must be continuously maintained, including application and compaction of additional cover as needed to maintain required depth.

(b) A grass or ground cover crop must be established and maintained continuously as soon as weather permits and seasonal conditions are suitable on any portion of the construction/demolition site that has received final cover except where other provisions for land use have been approved by the Administrator.

(c) A construction/demolition site must be graded to promote surface water drainage and to prevent the ponding of water on previously filled areas.

(d) Vegetation must be cleared only as necessary.

Section 7-14. Surface leachate control

(a) Any leachate on the surface of a construction/demolition site must be immediately managed or controlled to prevent off-site migration.

(b) Any surface movement of leachate past a point fifty (50) feet outside of the solid waste boundary is prohibited except as specified in the facility permit.

(c) Any discharge or disposal of collected leachate must be in accordance with applicable local, state, and federal statutes, rules, regulations and ordinances.

Section 7-15. District Fees

The owner or operator of a construction/demolition site permitted under this Resolution shall collect District solid waste fees pursuant to contract and remit such fees to the District.

Rule 8. Clean Fill Disposal Sites; Operational Requirements

Section 8-1. Applicability

The requirements of this Rule apply to all clean fill disposal sites which hold a valid permit from the District.

Section 8-2. Requirements

(a) Long term commercial clean fill sites:

- (1) Must have a sign erected at the entrance with the name of the facility, type of facility, permit number, hours of operation and phone number of the site (if any) or emergency phone number
- (2) Must be manned during operating hours.
- (3) Entrance must be locked after hours, using a gate, chain or cable, to prevent unauthorized dumping.
- (4) Operator must prevent fugitive dust or litter from blowing off site.
- (5) May not accept unpermitted waste except for incidental quantities of municipal solid waste that may normally be associated with the personnel involved in the generation of clean fill. "Incidental quantities" is

interpreted to mean very small amounts (generally less than 1% of a load, by volume) that personnel at the point of generation may, because of housekeeping practices, discard in a load of clean fill.

- (6) Clean fill sites must supply waste containers for any unpermitted solid waste that should be unintentionally discarded at the site.
- (7) Must collect and remit tipping fees to the District pursuant to contract.

(b) Temporary clean fill sites:

- (1) May not accept unpermitted waste except for incidental quantities of municipal solid waste that may normally be associated with the personnel involved in the generation of clean fill. "Incidental quantities" is interpreted to mean very small amounts (generally less than 1% of a load) that personnel at the point of generation may, because of housekeeping practices, discard in a load of clean fill.
- (2) Clean fills sites must supply waste containers for any unpermitted solid waste that should be unintentionally discarded at the site.
- (3) Operator must prevent fugitive dust and or litter from blowing off site.

Rule 9. Solid Waste Processing Facilities; Operational Requirements

Section 9-1. Applicability

The requirements of this Rule apply to all solid waste processing facilities which hold a valid permit from the District.

Section 9-2. Access Control

Access to all solid waste processing facilities must be allowed only when operating personnel are on duty and such access must be controlled by the use of gates, fences, and other appropriate means.

Section 9-3. On-site Roads

An all-weather road, which is passable by all vehicles utilizing the solid waste processing facility, must be provided.

Section 9-4. Signs

For all facilities, except those solely processing waste generated on-site, each point of access from a public road must have a sign of at least sixteen (16) square feet in area identifying

the operation and indicating the schedule of fees, hours of operation, and solid waste facility permit number.

Section 9-5. Sanitation

Solid waste must be confined to the designated storage, processing, loading, and unloading areas of the processing facility. The processing facility and adjacent areas must be maintained clean and litter free.

(b) Solid waste may not be stored overnight at the processing facility except in permitted storage areas or in enclosed transporting units.

(c) The solid waste processing facility must be cleaned as necessary to prevent a nuisance or public health hazard.

(d) Residues from solid waste processing facilities and incinerators are special wastes and must be disposed of in accordance with 329 IAC 10-8.

(e) Salvaging, if undertaken, must not interfere with the facility operation or create unsightliness, nuisance, or health hazard.

(f) At a minimum, all salvage materials must be stored in buildings or transportable containers while awaiting removal from the facility. No alternative methods of storage salvage materials may be used without obtaining prior approval from the District Board. Approval may be granted at the request of the permittee, if the permittee can demonstrate that the alternative method will provide a comparable level of environmental protection.

Section 9-6. Safety Requirements

(a) Vectors, dust, odors, and noise must be controlled at all times at the facility so that they do not constitute a nuisance or a health hazard.

(b) Equipment must be provided to abate or control fires. Open burning of solid waste is prohibited.

(c) Telephone or radio communication must be provided on-site.

(d) A first aid kit must be available on-site.

(e) Scavenging must be prohibited.

Section 9-7. Records and Reports

(a) All solid waste processing facility records and reports required by this Resolution must be furnished upon request and made available during normal operating hours for inspection by any employee or representative of the District.

(b) Owners or operators of solid waste processing facilities shall maintain the records and reports required by this Resolution until certification of post-closure is deemed acceptable if applicable.

Section 9-8. District Fees

The owner or operator of a solid waste processing facility permitted under this Resolution shall collect District solid waste fees pursuant to contract and remit such fees to the District.

Section 9-9. Use of Contingency Plan

If the facility is unable to operate or process solid waste in accordance with its approved operating plan for more than a continuous twenty-four (24) hour period, the contingency plan required in Section 2-2(j)(6) of this Resolution must be implemented.

Section 9-10. Additional Operational Requirements for Incinerators

In addition to the foregoing operational requirements of this Rule, the owner or operator of a solid waste incinerator that holds a valid permit from the District shall comply with those operational requirements established by 329 IAC 11-19 and/or 329 IAC 11-20, as applicable.

Rule 10. Closure and Post-Closure Requirements

Section 10-1. Closure and Post-closure Plans

(a) The owner or operator of a construction/demolition site permitted under this Resolution shall prepare a closure plan in accordance with 329 IAC 10-37-4 and a post-closure plan in accordance with 329 IAC 10-38-3.

(b) A closure plan similar to that provided for in 329 IAC 10-37 may be required by the Board for clean fill sites, solid waste processing facilities and incinerators where the proposed solid waste storage or handling practices may pose a threat to human health and the environment if closure of the facility is not accomplished in accordance with approved plans or permits.

Section 10-2. Closure and Post-closure Activities

(a) The owner or operator of a construction/demolition site permitted under this Resolution shall perform closure and post-closure activities in accordance with the provisions of 329 IAC 10-37 and 329 IAC 10-38, respectively, and with the plans prepared pursuant to section 10-1 of this rule.

(b) A closure plan similar to that provided for in 329 IAC 10-37 may be required by the Board for clean fill sites, solid waste processing facilities and incinerators where the proposed solid waste storage or handling practices may pose a threat to human health and the

environment if closure of the facility is not accomplished in accordance with approved plans or permits.

Rule 11. Additional Operational Requirements for Transfer Stations

Section 11-1. Applicability

In addition to other applicable requirements of this Resolution, transfer stations permitted under this Resolution must also comply with the requirements of this Rule.

Section 11-2. Monitoring of Incoming Municipal Solid Waste

(a) Incoming municipal solid waste must be monitored daily by transfer station employees. The monitoring must be conducted by personnel who are able to recognize the visual indications that:

- (1) special waste as defined by 329 IAC 11-2-44;
- (2) hazardous waste regulated by 329 IAC 3.1; and
- (3) infectious waste as defined by 329 IAC 11-2-18;

may be present in the municipal waste observed.

(b) The monitoring may be accomplished by either of the following methods:

- (1) Conducting, on a daily basis, a minimum of two (2) random inspections that must consisted of a visual observation of all off-loaded municipal waste prior to processing.
- (2) An overview of the municipal waste on an ongoing basis by facility personnel.

Section 11-3. General Operating Requirements

(a) All transfer stations must be operated in a manner that minimizes the inclusion of liquids and vectors into the municipal waste shipped from the transfer station. Such management practices include, but are not limited to, the following:

- (1) All facility floors must be maintained so as to prevent standing water within the facility structure. All drainage and liquids originating from:
 - (A) storage, handling, and processing municipal waste;
 - (B) cleaning floors; or
 - (C) wash-out water from a municipal waste vehicle;

must be properly directed to a sanitary sewer, a holding tank constructed and operated in accordance with any applicable local approvals, or the equivalent of a sanitary sewer or holding tank.

(2) The facility tipping floor must be cleaned by wash-down to prevent odors and other nuisance conditions with all residuals being removed and disposed of properly.

(3) Any municipal waste that is stored overnight at the facility, except nonputrescible waste that has been segregated for recycling, must be removed from the site the following operating day except for holidays and weekends. Any municipal waste stored overnight must be stored in a manner to promote vector control.

(4) Any hazardous waste, infectious waste, or special waste found at a transfer station must be managed in accordance with the applicable laws.

(b) The following additional operating conditions apply to all transfer stations that hold, or are required to hold, a valid permit under this Resolution:

(1) Transfer stations that operate by discharging municipal waste directly from a vehicle into a below-the-floor opening must have truck wheel curbs or an equivalent backup safety device or procedure.

(2) Municipal waste that has been segregated and designated as recycled material must be stored in clearly identified containers or permitted areas and maintained in a safe, sanitary, and orderly manner. A record of the type and quantity of municipal waste shipped off-site for reuse or recycling must be maintained.

(3) Wastewater liquids and drainage that is collected in a holding tank must be emptied as necessary and properly disposed of whenever necessary to prevent overflow of the holding tank,

(4) An up-to-date copy of the plans and specifications approved by the department in granting the permit must be maintained on-site.

Rule 12. Enforcement

Section 12-1. Inspections

The Administrator or any designated agent of the District, including a third party contractor, upon presentation of proper credentials shall have authority to enter onto any solid waste facility or clean fill site during the normal business hours of such facility and inspect the facility for purposes of assessing compliance with this Resolution.

Section 12-2. Permit Violations

A violation of a term or condition of a permit issued by the District under this Resolution shall be a violation of this Resolution.

Section 12-3. Penalties for Noncompliance

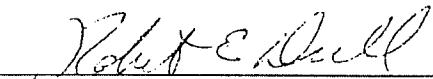
A penalty of up to a maximum of \$500 per day may be assessed against any person who violates or fails to comply with:

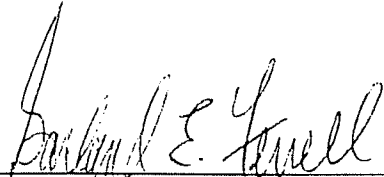
- (1) any provision of this Resolution or any term or condition of a permit issued by the District under this Resolution;
- (2) any provision of Resolution 93-2 or 93-3; or
- (3) a requirement for collection and/or payment of District fees under this Resolution.

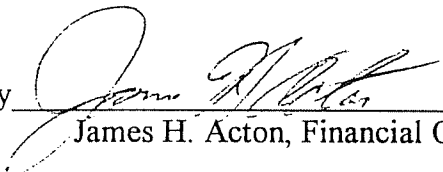
REPEAL: Resolution 95-1A of the Boone County Solid Waste Management District is hereby repealed.

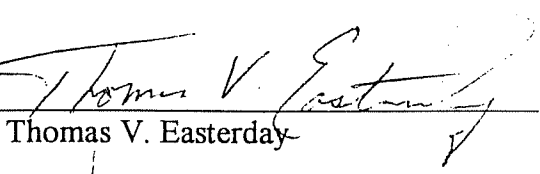
This Resolution shall be in full force and effect from and after its adoption and any publication as may be required by law.

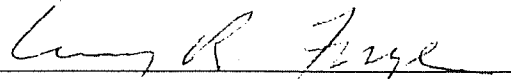
Resolved and adopted by the Board of Directors of the Boone County Solid Waste Management District on this 9th day of September, 1998.

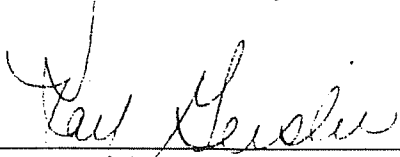
By 
Robert Dull, President

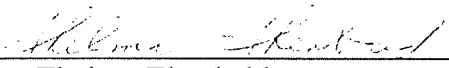
By 
Garland Ferrell, Vice President

By 
James H. Acton, Financial Officer

By 
Thomas V. Easterday

By 
Larry R. Frye

By 
Kay Geisler

By 
Thelma Theobald